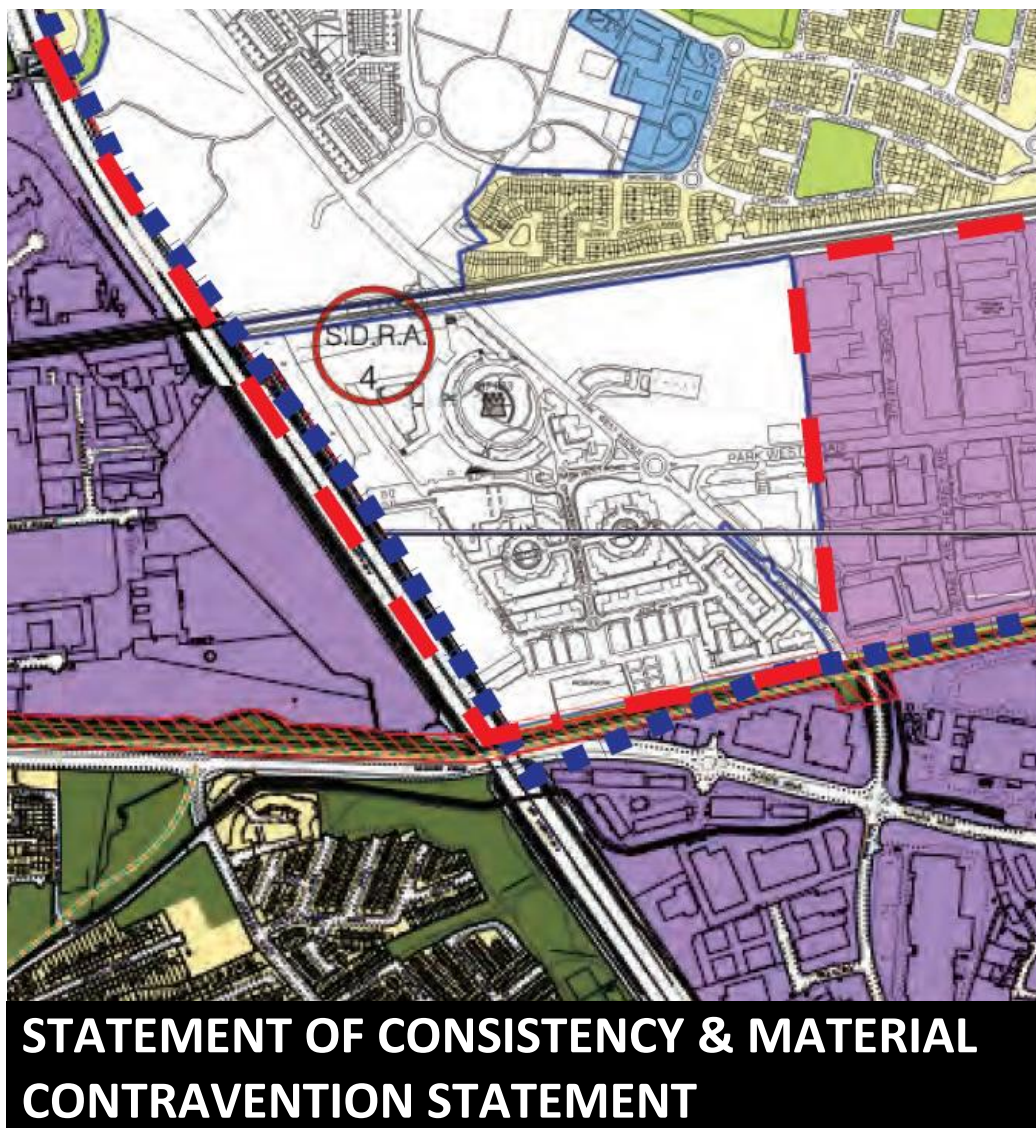


Park West SHD at Park West Avenue and Park West Road, Park West, Dublin 12

APPLICANT: GREENSEED LIMITED

November 2021



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1.0 INTRODUCTION

1.1 PURPOSE OF REPORT

This **Statement of Consistency** has been prepared on behalf of Greenseed Limited (Applicants) to accompany a planning application to An Bord Pleanála for a proposed Strategic Housing Development on lands at Park West Avenue and Park West Road, Park West, Dublin 12.

The proposed development comprises a Strategic Housing Development as defined within Section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.

The purpose of this **Statement of Consistency** is to examine the proposed development in terms of consistency with both the relevant objectives of the Development Plan and Section 28 Ministerial Guidelines which are relevant.

1.2 PROPOSED DEVELOPMENT

The Park West site is bounded to the north by the Dublin to Cork main line railway, Park West Road and Park West Plaza to the south, Park West Industrial Estate to the east and Park West Avenue to the west. The site is a vacant greenfield site except for the existing Aspect Hotel comprising an 8-storey hotel building and ancillary surface carpark accessed from Park West Avenue.

The proposed development will consist of 7no. predominantly residential blocks including a mix of one, two and three bed apartments. Non-residential uses at ground floor level will include retail, restaurant / café, childcare and community. The development will also provide a central public park/ new central boulevard extending west to east from Park West Avenue and associated public realm and landscaping and all associated site and development works.

The proposed development is described in detail in the **Planning Statement** [BMA Planning] enclosed.

1.3 DEVELOPMENT PLAN / LOCAL AREA PLAN

The **Dublin City Development Plan 2016 – 2022** (the “Development Plan”) is the current statutory development plan for the area.

The area is also the subject of the **Park West – Cherry Orchard Local Area Plan 2019** (the “LAP”).

1.4 SECTION 28 MINISTERIAL GUIDELINES

The following is a list of the current Section 28 Ministerial Guidelines considered in writing this statement of consistency: -

- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)*
- *Urban Design Manual - Best Practice Guidelines (2009)*

- *Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (2020)*
- *Urban Development and Building Height Guidelines for Planning Authorities (2018)*
- *Quality Housing for Sustainable Communities (2007)*
- *Design Manual for Urban Roads and Streets (2013)*
- *Childcare Facilities - Guidelines for Planning Authorities (2001)*
- *The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009)*
- *Architectural Heritage Protection - Guidelines for Planning Authorities (2011)*
- *Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities 2021.*

The Section 28 Guidelines relevant to the current application are listed in Section 3.

Overarching these Guidelines, the following national and regional policy documents are considered in Section 4 of this Statement of Consistency: -

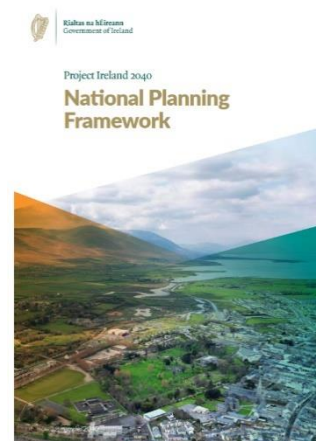
- *Project Ireland 2040 - The National Planning Framework*
- *Housing for All – A New Housing Plan for Ireland (2021)*
- *Regional Spatial & Economic Strategy (RSES) 2019-2031 for the Eastern & Midland Region*

2.0 NATIONAL AND REGIONAL POLICY

2.1 PROJECT IRELAND 2040 – NATIONAL PLANNING FRAMEWORK

The National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of the Country out to the year 2020. A key element of the NPF’s strategy is compact growth with the key features being: -

- *Targeting a greater proportion (40%) of future housing development to be within and close to the existing ‘footprint’ of built-up areas.*
- *Making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.*
- *Supporting both urban regeneration and rural rejuvenation through a €3 Billion Regeneration and Development Fund and the establishment of a National Regeneration and Development Agency.*
(Page 22)



Each chapter contains National Policy Objectives that promote coordinated spatial planning, sustainable use of resources, and protection of the environment and the Natura 2000 network.

The National Policy Objectives most relevant to the current application are included in Chapter 4 Making Stronger Urban Places and Chapter 6 People, Homes and Communities and include the following: -

Chapter 4 Making Stronger Urban Places

National Policy Objective 4

Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Chapter 6 People, Homes and Communities

National Policy Objective 27

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

National Policy Objective 33

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 34

Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

National Policy Objective 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

In accordance with the National Policy Objectives of the NPF, the current application will deliver a high density development of modern and adaptable new homes within an existing urban area, in close proximity to existing public transport and local service provision.

2.2 HOUSING FOR ALL – A NEW HOUSING PLAN FOR IRELAND (2021)

This document sets out the Government's new housing plan for Ireland with the overall aim stated as allowing everyone in the state to have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life.

To meet this objective, Housing for All provides four pathways to achieving four overarching objectives: -

- Supporting Homeownership and Increasing Affordability;
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion;
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

Each of the pathways contains a comprehensive suite of actions to achieve these housing policy objectives.

The proposed residential development will help to achieve the overarching objective of increasing new housing supply to an average of 33,000 new homes per annum to 2030.

2.3 REGIONAL SPATIAL & ECONOMIC STRATEGY 2019-2031

The *Regional Spatial & Economic Strategy, 2019-2031* (RSES) for the Midlands and Eastern Region was made on 28th June 2019.

This Plan, which replaces the *Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, is a strategic plan providing a multifaceted approach based upon *Health Placemaking; Climate Change; and Economic Opportunity*.

The RSES provides: -

- a spatial strategy;
- an economic strategy;
- an investment framework;
- a climate action strategy;
- a Metropolitan Area Strategic Plan (MASP) for Dublin.

The proposed development will deliver a high-density scheme of modern and adaptable new homes, within an existing urban area, in close proximity to existing public transport and local service provision. This is in accordance with the principles and vision of the MASP and the RSES.

3.0 STATEMENT OF CONSISTENCY – MINISTERIAL GUIDELINES

3.1 GUIDELINES FOR PLANNING AUTHORITIES ON SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS (2009) AND ASSOCIATED URBAN DESIGN MANUAL BEST PRACTICE GUIDELINES (2009)

These Guidelines set out the key planning principles for residential development in urban areas. The Guidelines are accompanied by a non-statutory Design Manual which illustrates how the policy principles can be translated into practice by developers.

The principles of the Guidelines are translated into the planning and design objectives and standards contained in the Development Plan.

These objectives and standards have informed the nature, scale and form of development within the current application and ensure a plan-led approach to the development of the site.

The Urban Design Manual provides a series of criteria against which residential developments can be assessed. These are divided into 3 categories: - Neighbourhood; Site; Home.

The proposed layout, design and built form is guided by the principles set out within the Guidelines and the design criteria within the Design Manual. This ensures that the proposed development provides a variety of residential dwellings that are connected to local public transport options and accessible to existing retail and local services.

The table outlines Consistency with the 12 Design Criteria and should be read in conjunction with the *Architectural Design Statement* [Darmody Architecture] enclosed.



**CONSISTENCY WITH SUSTAINABLE RESIDENTIAL DEVELOPMENT GUIDELINES - DESIGN
CRITERIA FOR NEW RESIDENTIAL DEVELOPMENTS**

The Criteria	Positive Indicators	Consistency
<p>01 Context <i>How does the development respond to its surroundings?</i></p>	<ul style="list-style-type: none"> • <i>The development seems to have evolved naturally as part of its surroundings</i> • <i>Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users</i> • <i>Form, architecture and landscaping have been informed by the development's place and time</i> • <i>The development positively contributes to the character and identity of the neighbourhood</i> • <i>Appropriate responses are made to the nature of specific boundary conditions</i> 	✓
<p>02 Connections <i>How well connected is the new neighbourhood?</i></p>	<ul style="list-style-type: none"> • <i>There are attractive routes in and out for pedestrians and cyclists</i> • <i>The development is located in or close to a mixed-use centre</i> • <i>The development's layout makes it easy for a bus to serve the scheme</i> • <i>The layout links to existing movement routes and the places people will want to get to</i> • <i>Appropriate density, dependent on location, helps support efficient public transport</i> 	✓
<p>03 Inclusivity <i>How easily can people use and access the development?</i></p>	<ul style="list-style-type: none"> ○ <i>New homes meet the aspirations of a range of people and households</i> ○ <i>Design and layout enable easy access by all</i> ○ <i>There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents and the elderly</i> ○ <i>Areas defined as public open space that has been either taken in charge or privately managed will be clearly defined, accessible and open to all</i> ○ <i>New buildings present a positive aspect to passers by avoiding unnecessary physical and visual barriers</i> 	✓
<p>04 Variety <i>How does the development promote a good mix of activities?</i></p>	<ul style="list-style-type: none"> • <i>Activities generated by the development contribute to the quality of life in its locality</i> • <i>Uses that attract the most people are in the most accessible places</i> • <i>Neighbouring uses and activities are compatible with each other</i> • <i>Housing types and tenure add to the choice available in the area</i> • <i>Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood</i> 	✓
<p>05 Efficiency <i>How does the development make appropriate use of resources, including land?</i></p>	<ul style="list-style-type: none"> • <i>The proposal looks at the potential of higher density, taking into account appropriate accessibility by public transport and the objectives of good design</i> • <i>Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements and incorporate sustainable urban drainage systems</i> • <i>Buildings, gardens and public spaces are laid out to exploit the best solar orientation</i> • <i>The scheme brings a redundant building or derelict site back into productive use</i> • <i>Appropriate recycling facilities are provided</i> 	✓
<p>06 Distinctiveness <i>How do the proposals create a sense of place?</i></p>	<ul style="list-style-type: none"> • <i>The place has recognisable features so that people can describe where they live and form an emotional attachment to the place</i> • <i>The scheme is a positive addition to the identity of the locality</i> • <i>The layout makes the most of the opportunities presented by existing buildings, landform and ecological features to create a memorable layout</i> • <i>The proposal successfully exploits views into and out of the site</i> • <i>There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre</i> 	✓

<p>07 Layout How does the proposal create people friendly streets and spaces?</p>	<ul style="list-style-type: none"> • <i>Layout aligns routes with desire lines to create a permeable interconnected series of routes that are easy and logical to navigate around.</i> • <i>The layout focuses activity on the streets by creating active frontages with front doors directly serving the street</i> • <i>The streets are designed as places instead of roads for cars, helping to create a hierarchy of space with less busy routes having surfaces shared by pedestrians, cyclists and drivers</i> • <i>Traffic speeds are controlled by design and layout rather than by speed humps</i> • <i>Block layout places some public spaces in front of building lines as squares or greens, and some semi private space to the back as communal courts</i> 	<p>✓</p>
<p>08 Public Realm How safe, secure and enjoyable are the public areas?</p>	<ul style="list-style-type: none"> • <i>All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use</i> • <i>The public realm is considered as a usable integrated element in the design of the development</i> • <i>Children’s play areas are sited where they will be overlooked but not a nuisance</i> • <i>There is a clear definition between public, semi private, and private space</i> • <i>Roads and parking areas are considered as an integral landscaped element in the design of the public realm.</i> 	<p>✓</p>
<p>09 Adaptability How will the buildings cope with change?</p>	<ul style="list-style-type: none"> • <i>Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation</i> • <i>The homes are energy-efficient and equipped for challenges anticipated from a changing climate</i> • <i>Homes can be extended without ruining the character of the types, layout and outdoor space</i> • <i>The structure of the home and its loose fit design allows for adaptation and subdivision, such as the creation of an annexe or small office</i> • <i>Space in the roof or garage can be easily converted into living accommodation</i> 	<p>✓</p>
<p>10 Privacy and Amenity How do the buildings provide a decent standard of amenity?</p>	<ul style="list-style-type: none"> • <i>Each home has access to an area of useable private outdoor space</i> • <i>The design maximises the number of homes enjoying dual aspect</i> • <i>Homes are designed to prevent sound transmission by appropriate acoustic insulation or layout</i> • <i>Windows are sited to avoid views into the home from other houses or the street</i> • <i>The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables.</i> 	<p>✓</p>
<p>11 Parking How will the parking be secure and attractive?</p>	<ul style="list-style-type: none"> • <i>Appropriate car parking is on street or within easy reach of the home’s front door.</i> • <i>Parked cars are overlooked by houses, pedestrians and traffic, or stored in secure underground or podium arrangements</i> • <i>Parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces</i> • <i>Materials used for parking areas are of similar quality to the rest of the development</i> • <i>Adequate secure facilities are provided for bicycle storage</i> 	<p>✓</p>

<p>12 Detailed Design How well thought through is the building and landscape design?</p>	<ul style="list-style-type: none"> • <i>The materials and external design make a positive contribution to the locality</i> • <i>The landscape design facilitates the use of the public spaces from the outset</i> • <i>Design of the buildings and public space will facilitate easy and regular maintenance</i> • <i>Open car parking areas are considered as an integral element within the public realm design and are treated accordingly</i> • <i>Care has been taken over the siting of flues, vents and bin stores</i> 	<p style="text-align: center;">✓</p>
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3.2 SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS – GUIDELINES FOR PLANNING AUTHORITIES (2020)

These Guidelines, hereafter referred to as the ‘Apartment Guidelines’ contain qualitative and quantitative measures for the design of apartments and related facilities including storage areas, open spaces and communal facilities. *Specific Planning Policy Requirements* (SPPRs) included in the Guidelines take precedence over policies and objectives of development plans, local area plans or SDZ planning schemes.

Section 6 of the Apartment Guidelines outlines the information required to accompany a planning application for an apartment scheme or mixed use development including apartments.

The design and layout of the proposed apartments are consistent with the standards for internal floor areas, rooms sizes, private amenity space and communal amenity space as set out in the 2020 Apartment Guidelines.

The following is a summary of compliance with the key provisions of the Guidelines.

CONSISTENCY WITH SUSTAINABLE URBAN HOUSING GUIDELINES - DESIGN STANDARDS FOR NEW APARTMENTS

Requirement	Comment
Floorspace Schedule	Schedules and floor plans demonstrating compliance with the Apartment Guidelines are provided in the Housing Quality Assessment [Darmody Architecture].
Unit Mix	A total of 750no. units are proposed. The following unit mix, in accordance with SPPR1, is provided: - <ul style="list-style-type: none"> • 1 bed unit: 321no. (43%) • 2 bed units: 384no. (51%) • 3 bed units: 45no. (6%)
Apartment Floor areas	The floor area of the apartments is in accordance with the Apartment Guidelines – SPPR3 and Annex 1.
Dual Aspect Ratios	The majority of the apartments (+50%) are dual aspect. This is in accordance with the Apartment Guidelines. No single aspect units are north facing.
Floor to Ceiling Height	The proposed development achieves a floor to ceiling height in excess of 2.75 metres in accordance with SPPR 5.
Lift and Stair Cores	The layout of the apartment blocks is in accordance with the Apartment Guidelines insofar as lifts and stair cores is concerned. No more than 8no. units within the proposed development are served by a lift/ stair core.
Internal Storage	All apartments are provided with internal storage in accordance with the requirements of Appendix 1.
Private Amenity Space	All apartments have private amenity space in the form of balconies and terraces which in all cases meets or exceeds the minimum standards in Annex 1.
Communal Facilities	The development is not a Specific BTR development. Some communal facilities are provided in the development and are supplemented by commercial units, a community facility and existing community infrastructure in Park West Plaza and the wider area.
Creche	A creche is provided as part of the proposed development. This is in accordance with the relevant guidelines. Refer to the enclosed Planning Statement [BMA Planning], and Statement of Consistency with Ministerial Guidelines below.
Communal Amenity Space	The requirement for Communal Amenity Space based on the Annex 1 standards. The requirement for Communal Amenity Space based on the 2020 Guidelines - Annex 1 standards is 4,702sqm . Communal amenity space has been provided in the form of podium courtyards and roof level gardens with a total of 6,175sqm provided. This level of provision exceeds the requirements of the Apartment Guidelines – Annex 1. Refer to the Landscape Design Report [Murray & Associates] for further details.

Children's Play	Children's play facilities including a Multi-Use Games Area are provided within the central open space. Refer to the Landscape Architect's Report [Murray & Associates].
Car Parking	<p>The development proposes a car parking provision of 477no. spaces to be allocated to residents of the apartments.</p> <p>This provision is in line with Section 4.19 of the Apartment Guidelines that requires a default policy of reduced parking in intermediate urban locations that are well served by public transport.</p> <p>Refer to the Traffic and Transport Assessment [CS Consulting] enclosed.</p>
Bicycle Parking	The design and provision of the cycle storage facilities is in accordance with in Section 4.17 of the Apartment Guidelines and the NTA Cycle Manual Standards. Refer to the Traffic and Transport Assessment [CS Consulting] enclosed.
Refuse Storage	Refuse storage is provided for the scheme and has been informed by inputs from the Waste Consultants. An Operational Waste Management Plan [Byrne Environmental] is submitted setting out how waste management services will operate within the development.
Security Considerations	In terms of design considerations, ground floor apartments are screened by a privacy strip and planting to improve security. Car and cycle parking and bin storage areas are provided at visible and accessible locations below podium level. Public streets and spaces are passively overlooked by the adjoining proposed residential units.
Building Lifecycle Report	A Building Lifecycle Report [Greenseed Limited] is included with the current application.

3.3 URBAN DEVELOPMENT AND BUILDING HEIGHTS GUIDELINES FOR PLANNING AUTHORITIES (2018)

The Building Height Guidelines support in principle: -

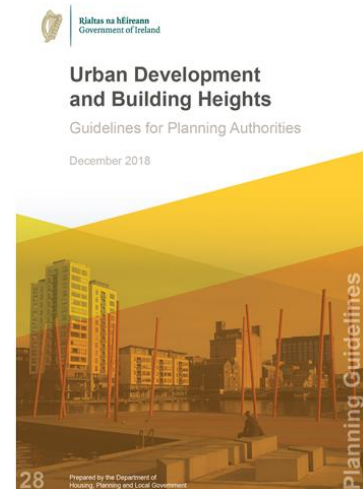
- Building heights of at least **3 to 4 storeys** in locations outside what would be defined as city and town centre areas and which would include suburban areas.
- Buildings heights of **6 storeys** at street level with scope to consider greater building heights within city centre areas including within the canal ring in Dublin and similar areas in Cork, Limerick, Galway and Waterford.

The *Park West – Cherry Orchard Local Area Plan 2019* post dates the *Urban Development and Building Height Guidelines for Planning Authorities 2018*. Section 4.6.5 of the LAP notes that: -

‘All future development proposals will be required to be submitted for planning approval and a strategy of applying performance criteria will be applied when assessing building heights at appropriate locations as opposed to numerical limitations in accordance with the recently published ‘Urban Development and Building Height Guidelines for Planning Authorities’ as required under SPPR3’ (Page 52).

The proposed development is a Material Contravention of the Development Plan and LAP Site 6 Site Brief as building heights exceed the maximum of 24 metres. Generally, the heights of apartment Blocks A to G range from 2-9 storeys, c. 7 – 29 metres.

The proposed landmark element of Block A at a height of 15 storeys, c.46m does not Materially Contravene the LAP on the basis that it is identified as a suitable location for a “place marker landmark building of up to 60m” in the LAP.



CONSISTENCY WITH BUILDING HEIGHT GUIDELINES - DEVELOPMENT MANAGEMENT CRITERIA

	Criteria (Building Height Guidelines – Paragraph 3.2)	Comment
At the scale of the relevant city/town	<ul style="list-style-type: none"> <i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i> 	<p>The subject site is an accessible urban location and is very well served by public transport. Commuter rail options are c.300 (from the centre of the site) at Park West – Cherry Orchard Train Station. Dublin Bus services are also located directly to west of the site at Park West Avenue.</p>
	<ul style="list-style-type: none"> <i>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</i> 	<p>The proposed development includes significant elements of new public realm that creates new connections into and through the site linking Park West Avenue and Park West Road via pedestrian and cycle friendly routes.</p> <p>As envisaged in the Development Plan and LAP, the building height strategy includes a 15-storey landmark building (Block A) at the north western corner of the site and predominantly 8-storey blocks (Blocks A to G) along the northern site boundary to signal the location of the train station and create a suitable scale and density of development.</p> <p>Refer to accompanying photomontages in the Architectural Design Statement [Darmody Architecture] enclosed.</p> <p>A Landscape and Visual Impact Assessment (Modelworks) accompanies the planning application and is enclosed within the EIAR (Chapter 14 – Landscape) submitted.</p>
	<ul style="list-style-type: none"> <i>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</i> 	<p>The proposed development will make a positive contribution to the surrounding area by developing a series of new streets and a large central linear park and public plaza framed by 2 to 8 storey buildings on an underutilized site in Park West.</p>

At the scale of district/ neighbourhood/ street	<ul style="list-style-type: none"> The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape 	The scheme is a high-quality architectural solution and will make a positive contribution towards the development of Site 6 and the continued development of Park West as a high-density mixed-use development within landscaped urban spaces.
	<ul style="list-style-type: none"> The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered. 	<p>The modulation of Blocks A to G and the use of a variety of materials and architectural devices have introduced diversity and interest to the buildings and avoids monolithic buildings.</p> <p>Refer to the Architectural Design Statement for design concept and separate Materials and Finishes Report (Darmody Architecture) enclosed for details of the proposed materials and finishes.</p>
	<ul style="list-style-type: none"> The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009). 	<p>The design strategy is consistent with the SDRA4 framework, the LAP site brief for Site 6 and provides a variety of building forms providing a sense of place and enclosure that will deliver a high-quality residential environment.</p> <p>The site is not prone to flooding. Refer to enclosed Site-Specific Flood Risk Assessment [CS Consulting].</p>
	<ul style="list-style-type: none"> The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner 	The Architectural Design Statement (Darmody Architecture) enclosed details how the scheme will ensure the development will be a legible and attractive addition to the area in accordance with best practice urban design principles.
	<ul style="list-style-type: none"> The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood. 	The proposed development delivers a mix of unit types. Non-residential uses include retail/ commercial floorspace within the proposed Block A and G and a creche within Block G. The proposed non-residential uses are located within Block A to address a key node at the north western corner of the site and within Block G

		fronting onto the proposed linear park and public plaza.
At the scale of the site/ building	<ul style="list-style-type: none"> <i>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</i> 	The Architectural Design Statement (Darmody Architecture) details how the scheme has been designed to take into account access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
	<ul style="list-style-type: none"> <i>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</i> 	A Sunlight, Daylight and Shadow Assessment [Chris Shackleton Consulting] is enclosed and confirms suitable levels of daylight to apartments and sunlight to amenity spaces.
	<ul style="list-style-type: none"> <i>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</i> 	Refer to enclosed Sunlight, Daylight and Shadow Assessment [Chris Shackleton Consulting] for details of daylight provision to the proposed apartment units.

SPECIFIC ASSESSMENTS TO SUPPORT PLANNING APPLICATIONS

To support proposals at some or all of these scales, specific assessments may be required and these may include:	
<ul style="list-style-type: none"> Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered. 	A Wind and Microclimate Modelling [B-Fluid] assessment has been prepared and is enclosed with the application. This analysis concludes that the built environment created by the development will be comfortable and pleasant for future residents and pedestrians with no critical wind or microclimate impact arising as a result of the proposed development.

<ul style="list-style-type: none"> • In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision. 	<p>The ecological effects of the proposed development are addressed in the EIAR and mitigation has been considered as part of the landscape strategy.</p>
<ul style="list-style-type: none"> • An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links. 	<p>The location and relative height of the buildings is not such that they will have any impact on telecommunications.</p>
<ul style="list-style-type: none"> • An assessment that the proposal maintains safe air navigation. 	<p>The location and relative height of the buildings is not such that they will have any impact on safe air navigation.</p>
<ul style="list-style-type: none"> • Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate. 	<p>An EIAR and an AA Screening Report have been prepared to assess and address environment requirements.</p>

The proposed development has also been assessed against the criteria in the Building Height Guidelines 2018. The assessment demonstrates consistency with the principles of the Guidelines generally and with the relevant criteria outlined in Section 3.2 of the Guidelines.

3.4 DESIGN MANUAL FOR URBAN ROADS AND STREETS (2019)

The *Design Manual for Urban Roads and Streets* (DMURS) aims to create well-designed streets which are not dominated by traffic, but balanced to the needs of all users and appropriate to the type of place in which the street is located.

A **DMURS Statement (CS Consulting)** has also been prepared and accompanies this planning submission. The Statement confirms that the proposed design and layout of the road and street network is consistent with the *Design Manual for Urban Roads and Streets 2019*.

3.5 CHILDCARE FACILITIES GUIDELINES FOR PLANNING AUTHORITIES (2001)

The *Childcare Facilities Guidelines for Planning Authorities* refer to a benchmark of an average of one facility (with 20 childcare spaces) for 75 houses and also provide broader guidance on internal standards for childcare facilities.

The *Sustainable Urban Housing: Design Standards for New Apartments (2020)* provided an update on this guidance, noting studio and 1 bed units should not generally be considered to contribute a requirement for childcare provision.

An assessment of childcare needs has been undertaken in the **Planning Statement** [BMA Planning]. Based upon the demographic profile of the area and an occupancy rate of 2.2 persons per household, this assessment found that the population of the proposed development, of childcare age (0-4 years), will be c.81persons. The proposed creche will provide 84no. childcare places. It is therefore suitable to meet the requirements of the proposed development.

3.6 THE PLANNING SYSTEM AND FLOOD RISK ASSESSMENT - GUIDELINES FOR PLANNING AUTHORITIES (2009)

These Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification and management into the planning process.

A **Site-Specific Flood Risk Assessment** [CS Consulting] has been prepared for the current application and is enclosed. Flood risk and stormwater impact on the proposed development was considered in the SSFRA and it was found that there is no risk of flooding to the proposed development, its occupants or users and adjoining properties.

3.7 REGULATION OF COMMERCIAL INSTITUTIONAL INVESTMENT IN HOUSING – GUIDELINES FOR PLANNING AUTHORITIES 2021

As stated in the Guidelines: -

'The purpose of these guidelines is to set out planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial

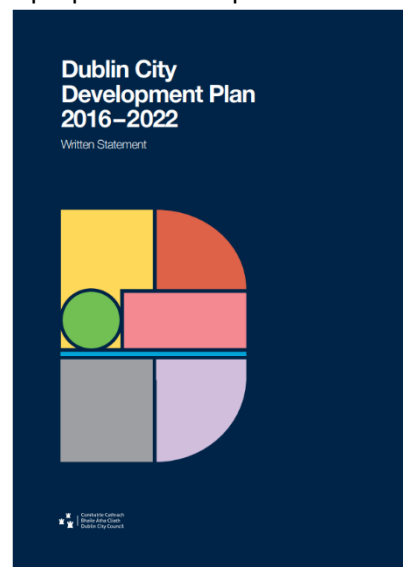
institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing'.

These Guidelines do not apply to the proposed development which does not contain any houses or duplex units.

4.0 STATEMENT OF CONSISTENCY – DEVELOPMENT PLAN & LOCAL AREA PLAN

This section contains an assessment of the consistency of the proposed development with the *Dublin City Development Plan 2016 – 2022* policies and objectives.

The Development Plan sets out the policies and objectives for the development of the city over the plan period and is comprised of a Written Statement including Appendices, Zoning Maps, a Strategic Flood Risk Assessment, Strategic Environmental Report including a Non-Technical Summary and a Natura Impact Report.



This section also provides an assessment of the consistency of the proposed development with the policies and objectives contained in the *Park West – Cherry Orchard Local Area Plan 2019*.

The Local Area Plan seeks to manage future development in a coordinated manner by integrating new neighbourhoods with existing communities and providing for the needs of existing and future populations. The LAP came into effect in November 2019.



4.1 DUBLIN CITY DEVELOPMENT PLAN 2016 – 2022

The *Dublin City Development Plan 2016-2022* (DCDP) is the relevant statutory Development Plan for the area. The Development Plan is divided into 7 Volumes.

The Written Statement is reviewed in the Table 4.1 below on a Chapter-by-Chapter basis with a comment on “consistency” in each case.

Table 4.1: Review of Dublin City Development Plan Written Statement

Chapter	Comment on Consistency
Chapter 1 Strategic Context for the City Development Plan 2016 – 2022	The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.
Chapter 2 Vision and Core Strategy	<p>4.1.1 Vision and Core Strategy (Chapter 2)</p> <p>The DCDP Core Strategy provides for consistency with guidance strategies and policies at national and regional level. Following on from this guidance, a key aspect of the core strategy is that future expansion, whether housing or mixed uses occur on a phased basis and in tandem with high-quality rail-based public transport. The settlement strategy prioritises this expansion spatially within the intercity, key district centres and Strategic Development and Regeneration Areas (SDRA's).</p> <p>The DCDP designates 18 areas as Strategic Development and Regeneration Areas (SDRA's) which are capable of delivering a significant quantum of residential and employment development.</p> <p>Figure 2 – “Core Strategy Map” in the Dublin City Development Plan illustrates Park West as an SDRA (see below).</p> <p>Table E of the DCDP “<i>Capacity of Sub-areas of the City for Residential Development</i>” outlines Park West as SDRA 11, stating that it has an estimated capacity of 2,000 residential units.</p> <p>Table F - “Schedule of Proposed Statutory Local Area Plans/Strategic Development Zones to Deliver the Core Strategy” in the DCDP is a Schedule of Proposed Statutory Local Area Plans, and no. 4 on the list is <i>Park West – Cherry Orchard Local Area Plan</i> which was published in November 2019.</p> <p><u>Conclusion:</u> The proposed development of the subject site for a development of the nature and scale proposed is therefore consistent with the City Council’s vision for this part of the City and consistent with the Core Strategy.</p>
Chapter 3 Addressing Climate Change	The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.
Chapter 4 Shape and Structure of the City	<p>This Chapter focuses on strengthening the urban structure of the City with suburbs such as Park West functioning as strong centres with a sense of urban place and access to local services and a basis for sustainable neighbourhoods.</p> <p><u>Conclusion:</u> The proposed development will provide for the development of an underutilised site within the Park West SDRA, thereby consolidating the Park West neighbourhood with a higher density of development and enhanced critical mass to support local and essential services.</p>

<p>Chapter 5 Quality Housing</p>	<p>Chapter 5 identifies the provision of quality housing as a key priority for the Development Plan.</p> <p>Section 5.5.1 notes that the Development Plan will seek to build upon and enhance the provisions of National Guidelines for sustainable urban housing.</p> <p>Policy QH1 identifies the relevant National Guidelines: <i>“To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘ Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartment’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).”</i></p> <p><u>Conclusion:</u> The proposed development has been designed in accordance with housing standards contained in both the Development Plan and National Guidelines.</p>
<p>Chapter 6 City Economy & Enterprise</p>	<p>The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.</p>
<p>Chapter 7 Retailing</p>	<p>The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.</p>
<p>Chapter 8 Movement & Transport</p>	<p>The proposed development is within walking distance of the Park West Cherry Orchard Railway Station.</p> <p>Objective MT01 of the Dublin City Development Plan aims: <i>“To encourage intensification and mixed-use development along existing and planned public transport corridors”</i>.</p> <p>Policy MT08 of Dublin City Development Plan aims to promote and facilitate bicycle parking at suitable locations.</p> <p>Please refer to Map J of the DCDP (below).</p> <p><u>Conclusion:</u> The proposed development is in accordance with the Council’s transportation policies in that</p> <ul style="list-style-type: none"> (a) it is well served by public transport (b) it discourages private car use through reduced parking provision (c) it provides infrastructure and facilities to encourage sustainable travel modes (pedestrians and cyclists). <p>Refer to Traffic Impact Assessment Report (CS Consulting).</p>

Chapter 9 Sustainable Environmental Infrastructure	The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.
Chapter 10 Green Infrastructure, Open Space and Recreation	<p>Figure 14 of the DCDP is a Strategic Green Network of Dublin City and surrounds. It highlights ‘Core Green Areas’ and ‘Hub Areas’ which include terrestrial core areas, parks, public open space & graveyards as well as blue and green corridors throughout the city. A ‘Green Corridor’, comprising the Grand Canal, is identified through the Park West site as illustrated in Figure 14.</p> <p><u>Conclusion:</u> The proposed development provides open space and connections to the adjoining cycle and pedestrian networks which link to the Grand Canal and is consistent the Council’s policy on Green Infrastructure, Open Space and Recreation.</p> <p>Refer to Landscape Architect’s Report [Murray & Associates].</p>
Chapter 11 Built Heritage and Culture	There are no protected structures on or within the vicinity of the site.
Chapter 12 Sustainable Communities & Neighbourhoods	The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.
Chapter 13 Monitoring, Implementation and Development Management	<p>Section 13.3.9 states that Dublin City Council may require the submission of Environmental Impact Assessment Reports to accompany planning applications which would be likely to have a significant impact on the environment.</p> <p>The proposed SHD development is over the 500 unit threshold and therefore is accompanied with an EIAR.</p> <p>The remaining contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.</p>
Chapter 14 Land Use Zoning	<p>The lands are zoned Z14 <i>Strategic Development and Regeneration Areas</i> (SDRAs) where it is the objective ‘<i>To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and “Z6” would be the predominant uses.</i>’ (Section 14.8.13).</p> <p>‘<i>Residential</i>’ is listed as a permissible use under this zoning objective. The other supporting uses are also permissible under the Z14 zoning objective.</p> <p><u>Conclusion:</u> The proposed development is consistent with the Development Plan zoning objective for the site – Z14.</p>
Chapter 15 Strategic Development and Regeneration Areas	<p>Chapter 15 of the DCDP provides commentary on each of the SDRAs and the principles which apply to SDRA 4 are as follows: -</p> <p><u>SDRA 4 – Park West/ Cherry Orchard</u></p>

“An urban framework plan was originally prepared for the Park West/Cherry Orchard area in 2002 focusing on lands centred round the now new railway station. This plan identified significant land banks suitable for development. Since the 2002 plan, progress has been made in the development of the Cedar Brook housing estate and Park West Pointe, the residential quarter of Park West. However, since then the slow-down in the economy has resulted in these new developments remaining to be fully integrated into the surrounding available sites. The following guiding principles shall apply to their future development:

- 1. To create a vibrant and sustainable new urban area with work, living and recreational opportunities, based around high-quality public transport nodes*
- 2. To create a place with distinctive urban character, based on urban design principles with strong physical and psychological linkages to the city*
- 3. To provide for sufficient densities of development, to sustain public transport and a viable mix of uses*
- 4. To provide for an integrated public transport system, with bus and commuter rail as the main components*
- 5. To provide for the integration of the new community with the established community*
- 6. To provide for a balanced mix of residential tenure*
- 7. To develop a coherent spatial framework, incorporating the following elements:*
 - Two axial routes, defined by buildings, providing the main structuring components, linking the proposed new rail station with Ballyfermot Road to the north and Park West Road to the south*
 - A Main Street at the intersection of the two axial routes, providing a safe and vibrant mixed-use environment, incorporating provision of a supermarket and associated retail and service facilities*
 - A new civic space next to the main street, linking to the civic place adjacent to the rail station, creating a high profile for public transport and a strong sense of place for the local resident and working population.*
- 8. To enhance the new identity of the area by providing for 2-3 mid-rise buildings at nodal spaces in the vicinity of the railway station or adjoining the M50 to act as place-markers*
- 9. That in the creation of the ‘new town’ in the Park West/Cherry Orchard area as a policy and priority that the key historic and existing deficits with regard to layout, community*

under-development, policing, anti-social activity, lack of provision for childcare etc. be factored in to be provided for in the new proposed development and that a new charter for Cherry Orchard be articulated and become an integral part of the overall plans and initiatives for the area

10. *To provide for a supermarket and other local shopping.*

It is proposed to carry out a statutory local area plan for Park West/Cherry Orchard within the life of the development plan, which provides for extensive consultation with the community.

DCC DP 2016-2022, Page 262 - 264

Please refer to **Figure 23** of the DCDP (below) which highlights the Key Development Principles of the Park West site.

Conclusion:

In response to SDRA 4, the following points are noted in terms of consistency with the Development Plan: -

- **Integrated Development** – The proposed development provides new residential development directly to the south east of the existing Park West Cherry Orchard Railway Station.
- **Sense of Place** – The design and layout of the proposed development has incorporated connections from adjoining streets to new public open spaces which will be shared accessible spaces available to existing and future residents.
- **Density & Mixed Use** – In addition to residential units there are retail/ commercial uses and a creche to serve the future residents of the development. Densities are appropriate for the site context in close proximity to the train station and the additional population arising from the development will serve to enhance the critical mass required to support existing services and retail/ commercial facilities within Park West Plaza located directly to the south of the site.
- **Public Transport** – The proposed development is fully integrated with existing public transport provision at Park West/ Cherry Orchard railway station and Dublin Bus services on Park West Avenue.
- **Community** – Clearly defined linkages and permeability through the site will serve to integrate the existing and proposed communities within Park West.
- **Mix of Tenure** – A mix of 1, 2 and 3 bed apartments and duplex units are proposed with scope to accommodate a wide range of tenures.
- **Spatial Framework:** - The spatial framework referred to within SDRA 4 relates primarily to the Cherry Orchard area. The proposed development includes a strong urban structure based around ease of movement for pedestrians

	<p>and cyclists and the creation of urban spaces and a sense of place.</p> <ul style="list-style-type: none"> • Nodal Spaces & buildings: - The current proposal includes nodal buildings and spaces at appropriate locations including in the vicinity of the railway station to act as a place-marker. • Social Infrastructure: - A creche is proposed within the current application to serve existing and future childcare needs. Provision is also made for a school site in accordance with the LAP for Park West and the site will be made available to the Department of Education and Science. The applicant has commenced discussions with the Department in this regard – refer to Phasing Management and Delivery Report [Greenseed Limited]. • Local Area Plan: - The <i>Park West – Cherry Orchard Local Area Plan 2019</i> was published in November 2019 and the proposed development has been laid out and designed in accordance with LAP policies and objectives. <p>On the basis of the foregoing, it is submitted that the current application is consistent with SDRA 4.</p>
<p>Chapter 16 Development Standards</p>	<p>All Development Standards included in Chapter 16 have been considered and the development has incorporated these principles and standards insofar as they are relevant to the proposals (e.g., Design and layout – Section 16.2, Public Open Space and Landscaping – Section 16.3)</p> <p>Density Standards– Section 16.4 and Sections 16.5-16.6 Plot Ratio / Site Coverage. The <u>indicative</u> plot ratio for Z14 Areas is 1.0 – 3.0 and the <u>indicative</u> Site Coverage for Z14 Areas is 50%. Section 16.5 of the Development Plan states that a higher plot ratio may be permitted in certain circumstances such as adjoining major public transport or to facilitate comprehensive re-development in areas in need of urban renewal.</p> <p>Building Height in a Sustainable City (Section 16.7) Section 16.7.2 of the Development Plan deals with Building Height in the city. The building height limits which apply at this location are 28metres (commercial) and 24 metres (residential). These are maximum heights. The exceptions are where specific provisions are made for particular sites in either Local Area Plans (LAP), Strategic Development Zones (SDZ) or Strategic Development Regeneration Areas (SDRA), or where a site has a pre-existing height over that stipulated above, a building of the same number of storeys may be permitted.</p> <p>Standards for Residential Development (Section 16.10) Section 16.10.1-16.10.3 of the DCDP contain standards for housing mix, apartment size, storage, orientation, configuration, private open space etc. The proposed development has incorporated these</p>

standards into its design and layout, except insofar as they are superseded by the Apartment Guidelines 2020.

Childcare Facilities (Section 16.18/ Appendix 13)

Childcare facilities are included within the proposed development comprising a creche of 410sq.m

Car / Cycle Parking Standards (Sections 16.38-16.39 and Tables 16.1-16.2)

The site falls within Area 2 for the purpose of parking control as per Section 16.38 of the DCDP which has a standard of 1 space per dwelling. The proposed parking provision will be below the maximum allowable on the site and this is justified with reference to the type of residential development proposed and the policy position in the 2020 Apartment Guidelines. The proposed development will provide cycle parking within and adjoining the proposed blocks and these are provided as part of a suite of measures to promote sustainable travel. Refer to **Traffic Impact Assessment Report** [CS Consulting].

Conclusion:

In terms of density, the scheme provides for a site coverage of 23% and a plot ratio of 1.29. The development will be in 7 blocks ranging in height from 2 – 15 storeys.

The proposed development is a material contravention of Section 16.7.2 as building heights exceed the maximum of 24 metres. Generally, the heights of apartment blocks A to G range from 2-8 storeys, c. 7 – 26 metres.

The proposed landmark element of Block A at a height of c.46m does not Materially Contravene the Development Plan or LAP on the basis that it is identified as a suitable location for a “mid-rise” (up to 50m) building in the Development Plan.

This Material Contravention is justified with reference to SPPR3 of the *Urban Development and Building Heights: Guidelines for Planning Authorities (December 2018)*. SPPR3(A) allows An Bord Pleanála to approve proposals even where specific objectives of the Development Plan may indicate otherwise. Refer to Section 3.3 of this Report where the criteria for consideration are discussed and the **Material Contravention Statement** presented in Section 5 of this Report.

The Development also materially contravenes the Development Plan in relation to Unit Mix (by exceeding the maximum number of one bed units and not achieving the minimum no. of three bed units). Refer to Section 5 of this Report.

The proposed development is consistent with the Development Management provisions of the Development Plan in relation to Standards for Residential Development, Childcare Facilities, Car/

	Bicycle Parking and Open Space and these standards are addressed in the Reports accompanying this submission.
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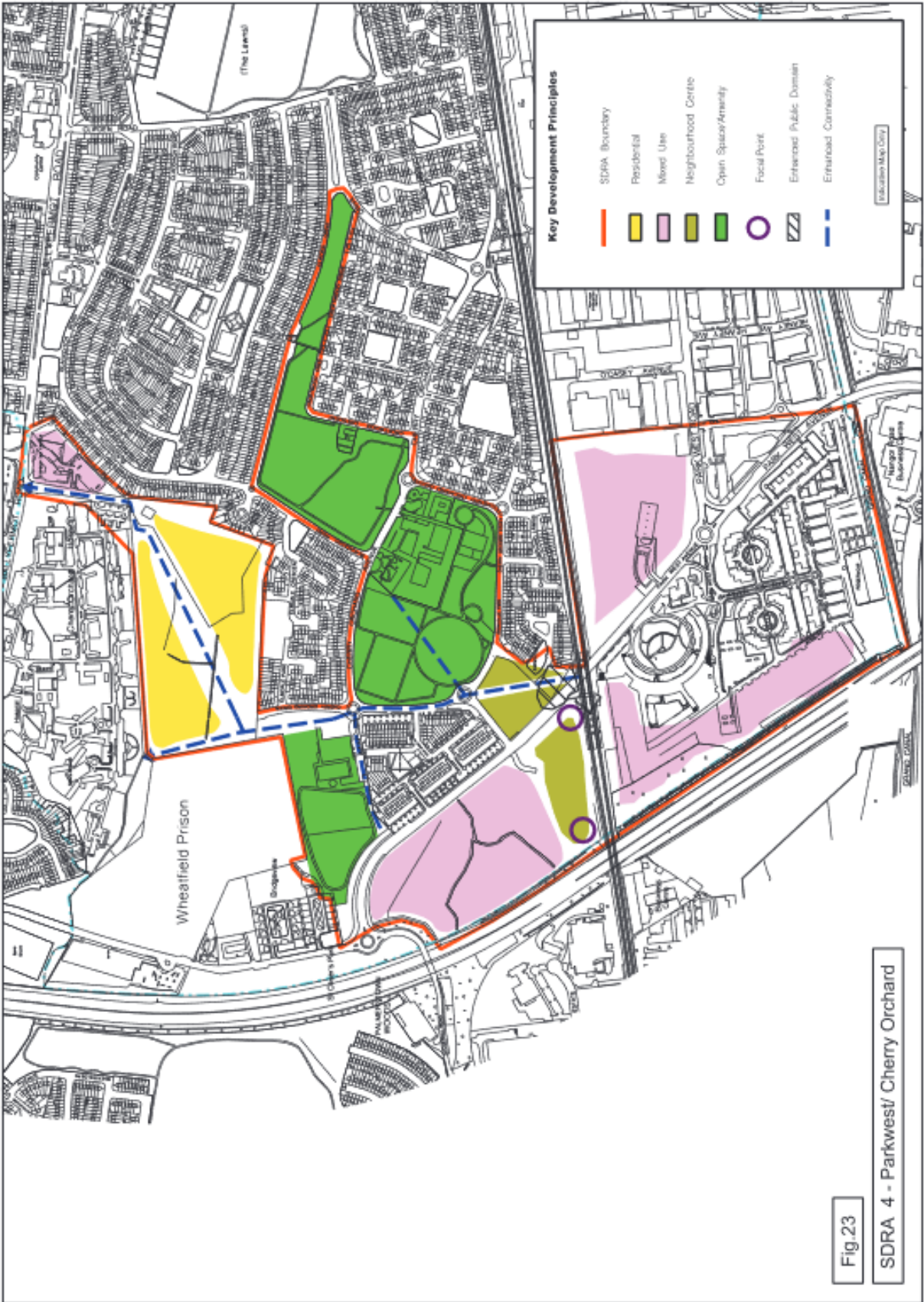
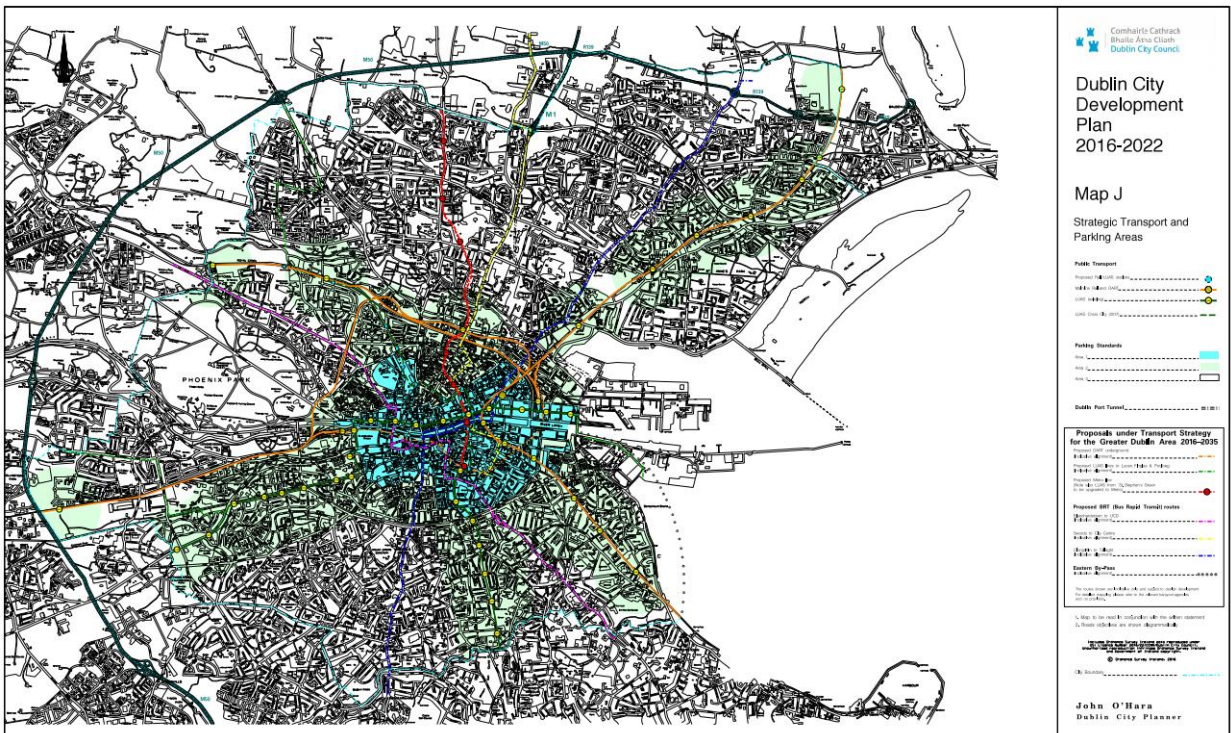
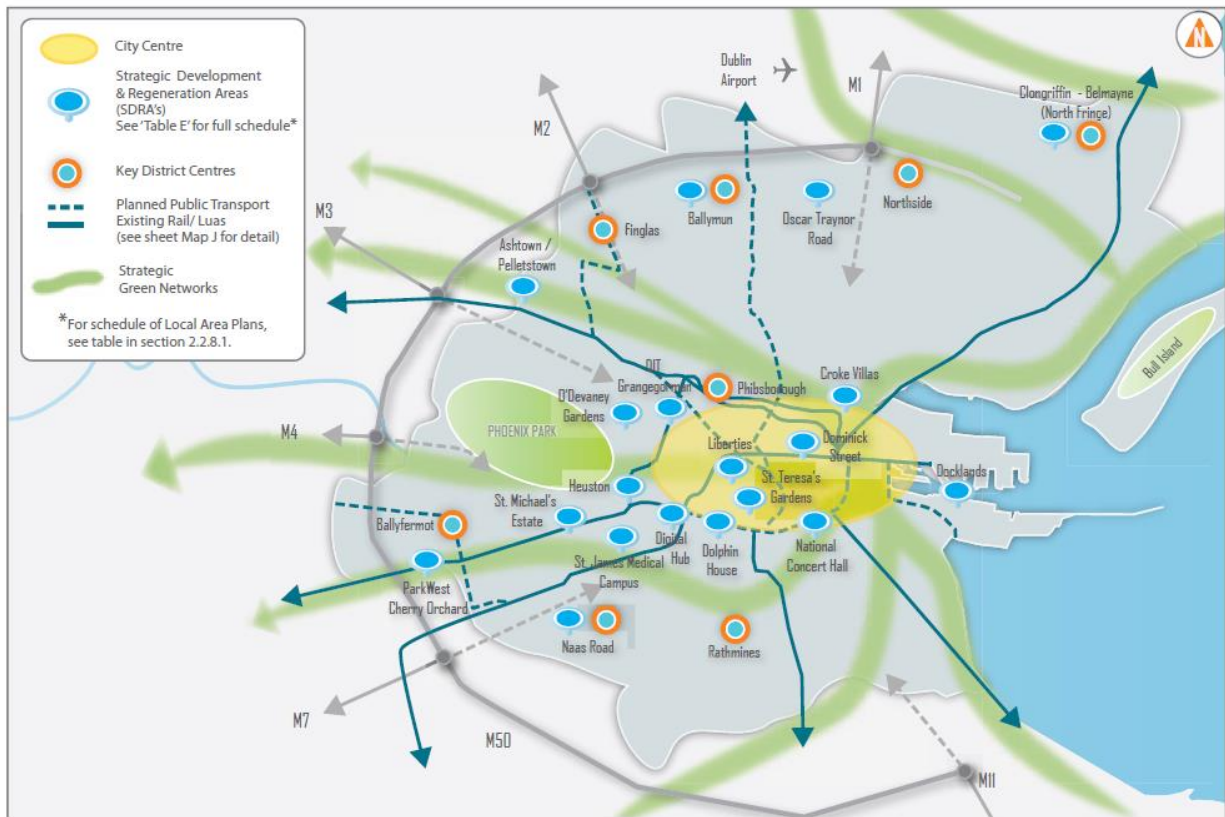


Fig.2 Core Strategy



4.2 PARK WEST – CHERRY ORCHARD LOCAL AREA PLAN 2019

The Park West – Cherry Orchard Local Area 2019 (hereafter ‘the LAP’) was adopted at a Dublin City Council meeting on 7th October 2019 and came into effect in November 2019.

The LAP is contained in a single volume with six sections and is supported by environmental reports including a Strategic Environmental Assessment Report, Strategic Flood Risk Assessment and Appropriate Assessment.

The LAP is reviewed in the **Table 4.2** below on a Section-by-Section basis with a comment on “consistency” in each case.

Table 4.2 Review of Park West – Cherry Orchard LAP 2019

Section	Comment on Consistency
Section 1 Introduction & Policy Context	The contents of this Section are general in nature setting out the local and national policy context and are noted insofar as the proposed development is concerned.
Section 2 Local Context & Analysis	Section 2 provides the historical, demographic and socio - economic context for the geographical area contained within the LAP and is noted.
Section 3 Vision & Key Principles	<p>Section 3 of the LAP provides the key principles to guide the development of Park West – Cherry Orchard under the headings of vacant sites, housing & tenure diversity, placemaking, economic development & employment, open space & recreational facilities, transport & movement, infrastructure delivery & implementation and green infrastructure & biodiversity.</p> <p><u>Conclusion:</u> The proposal involves the development of an existing vacant site for a mix of 1, 2 and 3 bed apartments within close proximity to Park West – Cherry Orchard train station. The development includes public realm and green infrastructure which will create a series of focal points within the neighbourhood.</p>
Section 4 Local Area Plan Development Strategy	<p>This section sets out the overall strategies that will shape the future spatial development of the LAP area. Consistency with these strategies is considered under the headings from the LAP.</p> <p>Urban Framework & Land Use Strategy Within the overall land use strategy, the current application site at Park West Avenue and Park West Road is identified for residential uses with the south east corner of the site identified for a school. Figure 35 of the LAP refers and is reproduced below for ease of reference.</p> <p>Economic Development & Employment Objective ED03 relates to the existing Park West Plaza development located directly to the south of the current</p>

	<p>application site and states: - 'ED03 To support existing retail at 'The Plaza' in Park West, and in particular any amendments that improve the interface with Park West Avenue and Park West Road.'</p> <p>Objective ED04 relates to the provision of retail floorspaces and states: - 'ED04 To seek the provision of "turn-key" ground floor retail units within Site 2 and along Park West Avenue.'</p> <p>Housing & Tenure This section of the LAP identifies 9 Key Development Sites within the LAP boundary. The current application site is identified as Site 6 with predominantly residential (80%) and enterprise/commercial (20%) uses. Estimated unit numbers on Site 6 are c.550 to 650. Figure 36 within the LAP identifies the location and extent of Key Development Sites, see below.</p> <p>Objective H01 relates to vacant sites and states: - 'H01 To develop the vacant lands earmarked for residential use within the LAP area to address the shortfall of housing supply in the Dublin area.'</p> <p>Access & Movement Strategy The LAP identifies strategic desire lines comprising vehicular and green links. Strategic vehicular links are identified along Park West Road and Park West Avenue to the south and west of the site.</p> <p>Objective MO11 relates to pedestrian and cycle access and states: - 'MO11 To provide a high-quality pedestrian and cycle network within the LAP area with high levels of connectivity and permeability, passive surveillance and supervision to ensure safe, attractive, legible and direct links to key local destinations are provided'.</p> <p>Urban Form & Design Strategy This section of the LAP includes a street hierarchy and density strategy for the LAP lands, A new local link street is identified within Site 6 connecting Park West Road and Park West Avenue. Site 6 is identified for higher density (in excess of 100units/ ha) and medium density (50-100 units/ ha) development the potential for a mid-rise (max 60 metre) building at the north western corner close to the train station. Key frontages, with the potential to improve the appearance of the area, are identified along Park West Avenue and Park West Road.</p> <p>Relevant objectives relating to urban form and design are: -</p> <p><i>'Objective UD2 To seek enhanced pedestrian connectivity to, and animation of the commercial plaza in Park West, and how it relates to the surrounding public streets.'</i></p> <p><i>'UD6 To seek the relocation/ undergrounding of overhead ESB powerlines and pylons throughout Park west and at Site 5.'</i></p>
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'UD12 To allow for the inclusion of 2-3 tall land-mark buildings that will contribute to the creation of a high-quality public realm.'

Community & Social Infrastructure

Objectives CS6, CS7 and CS8 are noteworthy in the context of the proposed development: -

'CS6 To seek the provision of a new primary school within Site No. 6, and the provision of additional primary school resources adjoining/ part of St. Ultan's NS, in conjunction with the Department of Education and Skills.'

'CS7 To require an updated community audit for all developments of over 50 residential units along with an analysis of need and proposals for community provision.'

'CS8 To seek the provision of additional community facilities including childcare, healthcare, place of worship and community centre, as an integral part of proposals for new residential development, and having regard to existing facilities in the area.'

Heritage

There are no Protected Structures or sites of Archaeological or Industrial Heritage within the current application site.

Green Infrastructure and Biodiversity

Figure 46 of the LAP identifies green infrastructure within the LAP area. Site 6 includes a green route and large green space centrally within the site. In terms of objectives, Objective GI6 states: -

'GI6 To ensure that all new streets are appropriately landscaped and tree lined and where feasible seek the upgrading of existing streets to incorporate landscaping, appropriate tree planting and SuDS features.'

Physical Infrastructure & Services

Relevant specific objectives include: -

'INF5 Support the undergrounding of existing high voltage overhead power lines and pylons in Barnville and throughout Park West.'

'INF7 Ensure provision is made for recycling facilities within the LAP area, and in particular new provision within Park West.'

Conclusion:

The general strategic guidance within the Section 4 of the LAP is incorporated into the Site 6 Site Brief within Section 5 and consistency with the strategic and specific guidance is considered below.

<p>Section 5 Site Briefs</p>	<p>Section 5 of the LAP identifies the priority sites within Park West – Cherry Orchard which are available and suitable for development. The current application site at Park West Road and Park West Avenue is identified as Site 6.</p> <p>The Development Objectives for Site 6 are as follows:</p> <ul style="list-style-type: none"> • <i>The site shall be developed as a new residential quarter in Park West.</i> • <i>The Department of Education and Skills have identified a need for a new primary school to serve the existing and future development of the Park West area. A suitable location for the provision of a new Primary School has been identified to the south east corner of Site 6 addressing Park West Road.</i> • <i>A social audit for community infrastructure shall be submitted. Consideration should be given to the provision of local health care facilities, a place of worship and a community centre to serve the new and existing residential population.</i> • <i>Development on this site should provide good quality linkages and connections to the north towards the train station and Cherry Orchard Park. To the east as part of the strategic green network; to the south to facilitate improved pedestrian access to the neighbourhood plaza, and should also allow for future connections to the east.</i> • <i>The buildings should address all primary and secondary streets, with active ground floors encouraged. Development should provide a continuous active street frontage along Park West Avenue and Park West Road.</i> • <i>Development along the western boundary of this site will be required to address the variance in levels between the site and Park West Avenue to ensure a high-quality streetscape to Park West Avenue.</i> • <i>Ground floor retail units shall be completed to a turn-key standard.</i> • <i>Improvements to the interface of Park West Avenue and Park West Road should be provided to enhance pedestrian and cycle movement.</i> • <i>Investigate the potential for the overhead ESB power lines to be relocated/undergrounded.</i> • <i>Archaeological testing shall be required in keeping with the Framework and Principles for the Protection of the Archaeological Heritage (Department of Arts, Heritage, Gaeltacht and the Island, 1999).</i> • <i>Continuing the water based theme of Park West and its relationship with the Canal will be encouraged.</i> • <i>Development of the site will include for the provision of a glass bottle recycling bank ideally within close proximity to other community/retail uses identified for the site.'</i> <p><u>Conclusion:</u></p>

	<p>The current application comprises Stage 1 of a proposed 3 Stage development of Site 6. The proposed layout of roads and open spaces follows the indicative site layout for Site 6 as identified in the LAP.</p> <p>The proposed development is a Material Contravention of the LAP Site 6 Site Brief as building heights exceed the maximum of 24 metres. Generally, the heights of apartment Blocks A to G range from 2-9 storeys, c. 7 – 29 metres.</p> <p>The proposed landmark element of Block A at a height of c.46m does not Materially Contravene the LAP on the basis that it is identified as a suitable location for a “place marker landmark building of up to 60m” in the LAP.</p> <p>The proposed Material Contravention is justified with reference to SPPR3 of the Urban Development and Building Heights: Guidelines for Planning Authorities (December 2018). SPPR3(A) allows An Bord Pleanála to approve proposals even where specific objectives of the Development Plan may indicate otherwise. Refer to Section 3.3 of this Report where the criteria for consideration are discussed and the Material Contravention Statement presented in Section 5 of this Report.</p> <p>The proposed residential density and unit numbers are above the <u>indicative</u> density levels and <u>estimated</u> unit numbers envisaged within the LAP however it is submitted these are acceptable having regard to the location of the site adjacent to existing public transport and the need to provide higher density development on existing serviced sites within the metropolitan area.</p> <p>The development of the site will provide a new residential quarter as required by the LAP.</p> <p>A site is identified for a new primary school and the applicant will make this available to the Department of Education and Science. The applicant has commenced discussions with Department in this regard – refer to <i>Phasing Management and Delivery Plan</i> [Greenseed Limited].</p> <p>Provision is made for a creche facility to serve the proposed development.</p> <p>Linkages to the train station, to the west across Park West Avenue and south across Park West Road to Park West Plaza are incorporated into the design and layout of the development.</p> <p>Active street frontages with commercial or own-door units are proposed where appropriate to Park West Avenue and internally within the development.</p>
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	<p>The varying ground levels to Park West Avenue are addressed through design and pedestrian and cycle access is maintained within the dedicated connections to the west and the train station.</p> <p>Additional crossings are proposed on Park West Avenue and Park West Road to improve connections and enhance safety for pedestrians and cyclists.</p> <p>The applicant is working with the ESB to facilitate the removal of 2no. pylons and the undergrounding of power lines along the northern boundary of the site. Permission is sought for these works within this application.</p> <p>An archaeological assessment of the site has been completed as part of the EIAR and the mitigation measures relating to Cultural Heritage will be implemented on site.</p> <p>The proposed landscape masterplan includes proposals for hard and soft landscaping including water feature elements.</p> <p>A glass recycling bank is proposed within the vicinity of the proposed Block F.</p>
<p>Section 6 Phasing & Implementation</p>	<p>No specific phasing or sequencing programme is set out within Section 6 of the LAP and there is no impediment to the development of Site 6 as proposed.</p>

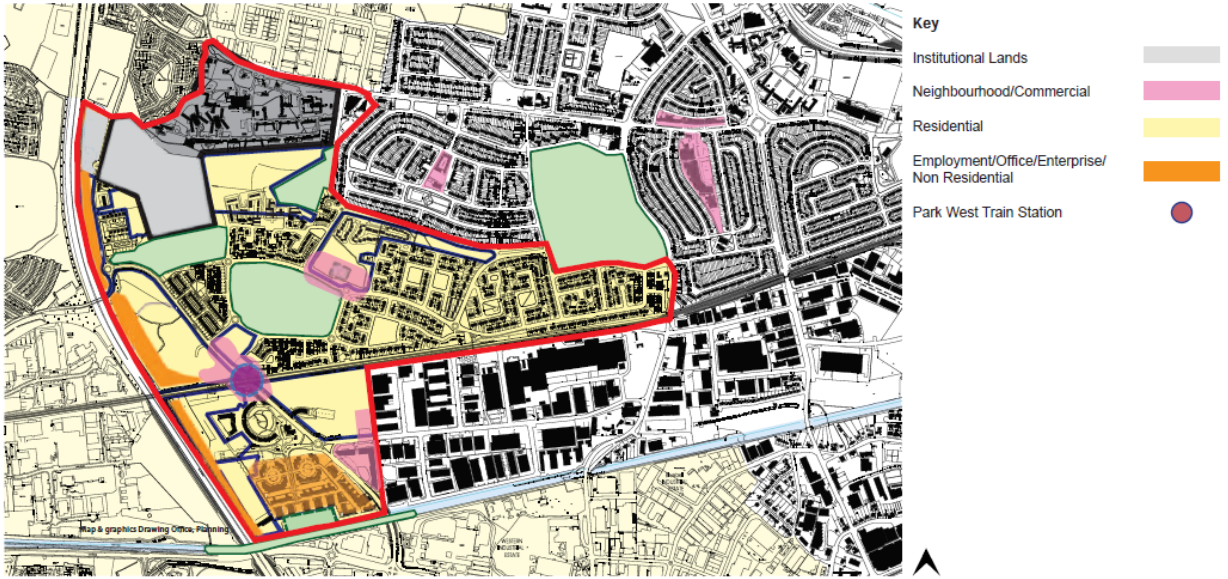


Fig. 35 Proposed Land Use Strategy

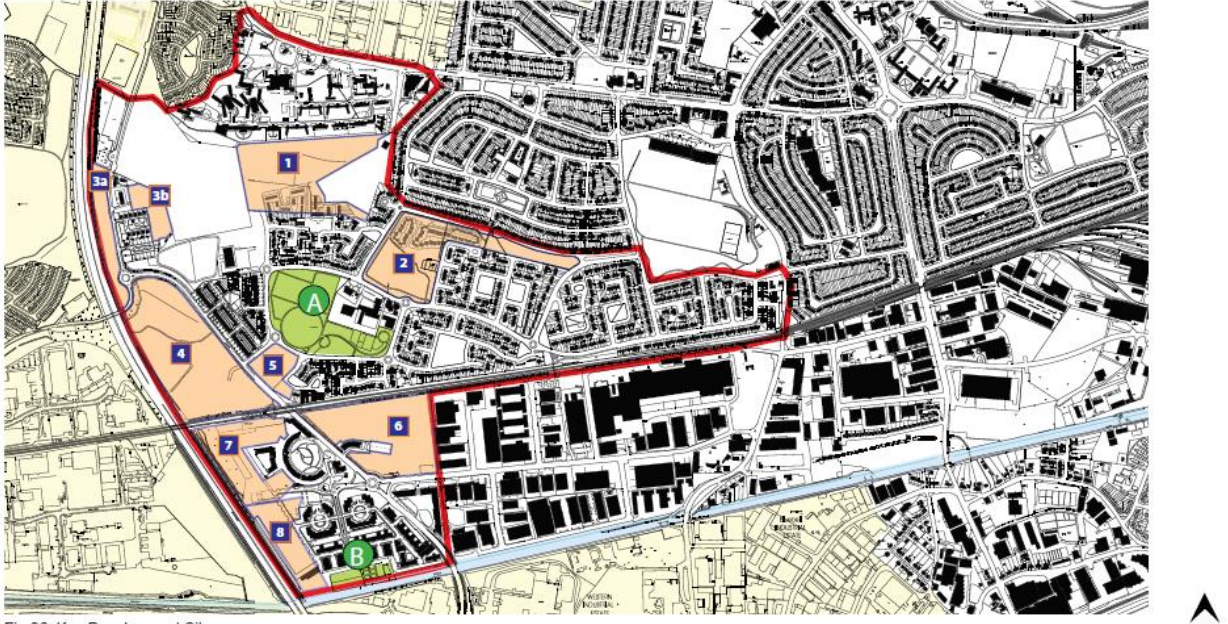
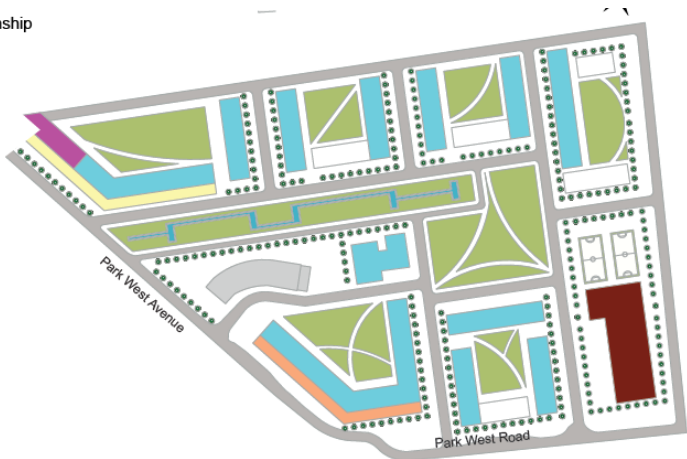
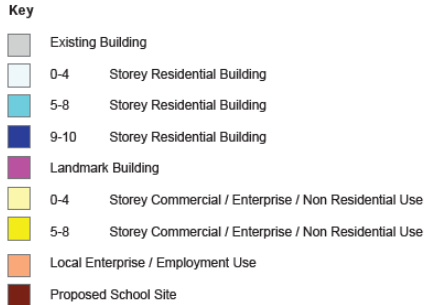


Fig 36. Key Development Sites

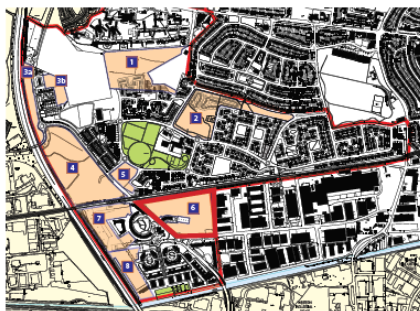


Fig 44. Proposed Street Hierarchy

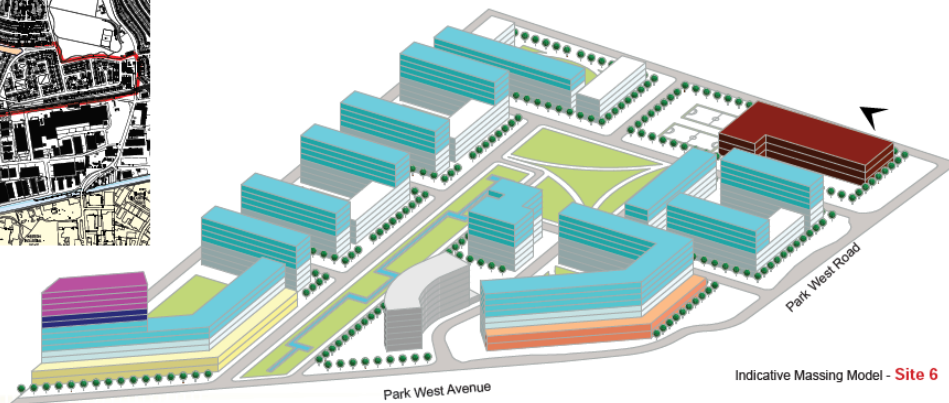
- Continuing the water based theme of Park West and its relationship with the Canal will be encouraged.
- Development of the site will include for the provision of a glass bottle recycling bank ideally within close proximity to other community/retail uses identified for the site.



Indicative Site Layout - Site 6



Location Plan - Site 6



Indicative Massing Model - Site 6

5.0 MATERIAL CONTRAVENTION STATEMENT

The proposed development is a Material Contravention of the *Dublin City Development Plan 20016-2022* in relation to building heights and unit mix: -

- **Building Heights (Ref: *Development Plan Section 16.7, Building Height in a Sustainable City, 16.7.2 Height Limits and Areas for Low-rise, Mid-rise and Taller Development*).**

The Development Plan has a maximum building height limit of 24 metres at Rail Hubs. The Development Plan also makes provision for mid-rise up to 50 metres at “Park West/ Cherry Orchard”.

The proposed development includes buildings ranging from c.7 metres to 29 metres within Blocks A to G.

The proposed landmark element of Block A at a height of c.46m is not a Material Contravention of the Development Plan or LAP on the basis that it is identified as a suitable location for a “mid-rise” (up to 50m) building in the Development Plan.

- **Unit Mix (Ref: *Development Plan Section 16.10.1 Residential Quality Standards – Apartments: Mix of Residential Units*).**

The Development Plan limits the number of one bed apartments to a maximum of 25-30% and the number of three or more bed apartments to a minimum of 15%.

The percentage of one bed apartments proposed is 43%; the percentage of three bed apartments is 6%.

The proposed development is also a Material Contravention of the Park West – Cherry Orchard Local Area Plan 2019 in relation to the following:

- **Building Heights (Ref: *Site Brief for Site 6: Park West Avenue/ Road Site*).**

The Local Area Plan states that building heights shall range “up to 7-8 storeys (24m) in close proximity to Train Station, with the opportunity for place marker landmark building of up to 60m”.

Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*

In accordance with Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016* the Board may grant permission for a proposed strategic housing development that materially contravenes the development plan or local area plan, other than in relation to zoning.

‘(6)(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.’

The 2016 Act states that the Board may only grant permission if Section 37(2)(b) of the Act of 2000 applies.

'(6)(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.'

Section 37(2)(b) of the Act of 2000 (as amended) states as follows: -

'37(2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'

On the basis of the above, it is submitted that the Board may grant permission for the proposed development in accordance with Section 37(2)(b)(i) and (iii) having regard to the following :-

- The development is a strategic development in the context of the Z14 zoning and *Strategic Development and Regeneration Areas (SDRAs)*.
- The *National Planning Framework* (Objective 32) and the *Government's Action Plan on Housing and Homelessness - Rebuilding Ireland* (Pillar 3) seeks to increase housing delivery.
- The *National Planning Framework* includes objectives that encourage increased residential densities through a range of measures including increased building heights

(Objective 35).

- Specifically, in relation to the proposed building heights above 24metres, the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) support in principle greater building heights within the city centre areas. The Guidelines also allow an application for increased building heights to be considered and approved under SPPR3(A), subject to meeting specific development management criteria. It has been demonstrated in Section 3.3 of this Report that the proposed development meets the criteria of SPPR3(A) and therefore, An Bord Pleanála can consider and approve the additional height proposed for this scheme.
- In relation to the proposed unit mix, the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2020) introduced a national apartment mix parameter, which provided for greater flexibility on unit mix than some development plans allowed for. Under SPPR1, apartment developments can include up to 50% one bed units. There is no minimum or maximum requirement for two or three or more bed units. The proposed apartment unit mix (i.e. 43% one bed, 51% two bed and 6% three bed) is therefore allowable.

6.0 CONCLUSION

The following summarises how the proposed development is consistent with National, Regional and Local Policy (i.e. the *Dublin City Development Plan 2016-2022* and the *Cherry Orchard Local Area Plan 2019*) and relevant Section 28 Guidelines. This section also summarises where the proposed development is not consistent with the *Dublin City Development Plan 2016-2022 and the Cherry Orchard Local Area Plan 2019*, and where a Material Contravention applies, provides the justification to allow the Board to consider and approve the proposal.

National/ Regional

- The background to the Park West project is the urgent need to provide more housing in this State. This is a core principle of national, regional and local policy documents. At National and Regional level, the strategy focuses on compact growth, regeneration and intensification of urban activity with housing and increased densities in areas better serviced by public transport and existing facilities.

Section 28 Ministerial Guidelines

- The principles of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)* have been translated into the policies, objectives and development standards of the Development Plan. This has ensured a plan-led approach to the development. Consistency with the Design Criteria in the associated *Urban Design Manual Best Practice* has also been demonstrated in this Report.
- The design and layout of the proposed apartments are consistent with the standards for internal floor areas, rooms sizes, private amenity space and communal amenity space as set out in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)*. Comprehensive schedules and floorplans demonstrating compliance with the standards are provided within the *Housing Quality Assessment* enclosed.
- The proposed development relies upon SPPR3(A) of the *Urban Development and Building Heights Guidelines for Planning Authorities (2018)* in relation to proposed building heights above 24m. It is demonstrated in Section 3.3 of this Report that the proposed development meets the criteria of SPPR3(A), and therefore the Board can consider and approve the additional height sought. (See further information below).
- The enclosed *DMURS Statement* [CS Consulting] confirms that the road and street network are consistent with the *Design Manual for Urban Roads and Streets (2019)*.
- A creche is provided as part of the proposed development, in compliance with the *Childcare Facilities Guidelines for Planning Authorities (2001)* and the 2020 Apartment Guidelines.
- A *Site-Specific Flood Risk Assessment* [CS Consulting] has been prepared in accordance with *The Planning System and Flood Risk Assessment Guidelines for Planning Authorities*

(2009).

Dublin City Development Plan 2016-2022

- The site is zoned Z14 with the following zoning objective:- *“To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and ‘Z6’ would be the predominant uses”* and all uses proposed are permissible.
- The *Park West/ Cherry Orchard Strategic Development and Regeneration Area (SDRA 4)* is one of the strategic infill development areas identified in the Development Plan. In accordance with its guiding principles, the proposed development provides a high-quality residential quarter of quality new homes supported by a complementary range of mixed commercial and community facilities, including a creche, for this site. The development of attractive new streetscapes with high-quality accommodation, quality public realm and active street frontages are features of the proposal.
- The proposed development has incorporated the relevant Development Management standards into its design and layout, except in so far as they are superseded by the 2020 Apartment Guidelines.
- In relation to building height, the heights of the apartment blocks generally range from 2-8 storeys, c. 7 – 28 metres within Blocks A to G, with a 15-storey landmark of c.46 metres within Block A. Blocks A to G exceed the 24m maximum height and are therefore a material contravention of the Development Plan. The additional height is however justified with reference to the 2018 Building Height Guidelines and specifically SPPR3(A). On the basis that the development meets the criteria of SPPR3(A), the Board can consider and approve the additional height sought.
- The proposed development also materially contravenes the Development Plan in respect of unit mix. The deviations can be justified with reference to SPPR1 and SPPR6, respectively, of the 2020 Apartment Guidelines.
- A car parking ratio of 0.64 is proposed per residential unit. This is in accordance with the Development Plan, with the level of provision further justified with reference to the type of residential development proposed, proximity to a public transport modes, and the policy position in the 2020 Apartment Guidelines.
- Public, Private and Communal Amenity Spaces are provided in the development in accordance with the requirements of the Development Plan. In relation to public open space, the 10% public open space requirement is exceeded with provision of c.14%. Active and passive facilities are provided in the Central Linear Park and Plaza/ Square including large grassed areas, places for sitting and gathering, playground and MUGA. The Communal Amenity Space provision, which is provided at grade, in podium level courtyards, exceeds the standards set in Annex 1 of the Apartment Guidelines (which matches with the Development Plan). Finally, private open space is provided in the form of balconies / terraces for the apartments and duplexes.

Park West – Cherry Orchard Local Area Plan 2019

- The proposed development will provide a new residential quarter in Park West with the first stage of development of LAP Site 6.
- The site layout includes new streets and public spaces with connections to the north west to public transport provision at Park West – Cherry Orchard Train Station and existing services at Park West Plaza to the south.
- A mix of residential accommodation is proposed within 7no. urban blocks with non-residential uses at ground floor level at appropriate locations including Blocks A fronting Park West Avenue and Block G fronting the proposed Plaza/ Square.
- The proposed development is generally in accordance with the LAP Site 6 Site Brief in terms of land uses, site layout and quantum of development.
- Blocks A to G exceed the 24m maximum height and are therefore a material contravention of the Local Area Plan. The additional height however is justified with reference to the 2018 Building Height Guidelines and specifically SPPR3(A). On the basis that the development meets the criteria of SPPR3(A), the Board can consider and approve the additional height sought.

On the basis of the foregoing, it is considered that the proposed SHD development on the Park West site is consistent with planning policy at national, county and local level and is an appropriate response for this site at a time of considerable housing need.

BMA Planning
November 2021